

S.N.: 10/542,262  
Art Unit: 2618

**AMENDMENTS TO THE DRAWINGS:**

The attached sheet of drawings includes changes to Fig. 2, and replaces the original sheet of drawings.

Attachment: Replacement Sheets 1  
Annotated Sheets Showing Changes 1

## REMARKS

A Supplemental IDS is filed herewith to make of record WO 01/67718, cited in the International Search Report filed with the application, and WO 02/32087, discussed on page 1 of the application.

The specification has been amended as requested by the Examiner.

Figure 2 is amended to correct the error noted by the Examiner. Support for the amendment can be found in the specification at least at page 5, lines 19-24.

The claims have been amended above. These clarifying amendments serve to even further distinguish the claimed subject matter from the references cited by the Examiner, and also render moot the rejections under 35 USC 112, second paragraph.

Claims 1, 7, 10-11, 13-19, 22-24 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (US Pat. 4,868,561). Claims 2-6, 8-9, 12, 25-26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Mizuno et al. (US Pub. 2002/0046899 A1). Claims 20, 21 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis in view of Davis et al. (US Pub. 2002/0052225 A1).

These rejections are respectfully disagreed with, and are traversed below.

The Examiner contends that Davis teaches the originally claimed "control means for controlling the audio output means to terminate the musical audible alert, wherein the audio output means is operable to terminate the musical audible alert by introducing a replacement musical sequence". The Examiner refers to Fig. 2, reference 18, and col. 2: 42-59 "alert pattern generator 18 control audio outputs and operable to terminate musical audible alert by reprogramming, i.e. replacing, alert patterns as described in Col. 3: 15-20)."

The cited portions of Davis teach only the following:

Referring specifically to FIG. 2, a simplified block diagram of pager 13 is illustrated. Pager 13 includes an antenna 14 with a receiver 15 coupled thereto. Paging signals transmitted from paging terminal 10 and received by receiver 15 include an address signal and at least an alert signal. Pager 13 further includes an address signal decoder 16 coupled to the output of receiver 15 and a reprogrammable alert pattern memory 17 coupled to the output of receiver 15 and also coupled to address signal decoder 16 for receiving an enable signal therefrom when the address decoded corresponds to the address of pager 13. Address signal decoder 16 also supplies an enable signal to an alert pattern generator 18, which also receives an alert pattern signal from reprogrammable alert pattern memory 17. An output of alert pattern generator 18 is supplied to alert outputs 20 which may include an audio transducer and/or a visual display. (col. 2, lines 42-59)

In general, assuming the operator uses telephone 12 to access paging terminal 10, he enters the unit ID of pager 13, **a coded signal that indicates that he wants to select a new alert pattern**, and the identity code that identifies the desired alert patterns from the provided list of patterns. In some instances paging terminal 10 may be automated so that the identity code automatically selects the desired alert patterns from a library of alert patterns that have been coded into the system. **The system then pages or signals pager 13 with a replace alert pattern signal which is a special signal that prepares the contents of alert pattern memory 17 for reprogramming. Terminal 10 then transmits the new alert patterns to be placed in alert pattern memory 17.** (col. 3, lines 7-20, emphasis added)

Clearly, all that Davis teaches is an ability to replace an alert pattern in a pager's alert pattern memory with a new alert pattern.

Each of the independent claims of this patent application has been amended to more clearly set forth the claimed subject matter, and to thus remove the teachings of Davis.

Claim 1 as amended recites that an apparatus comprises:

an audio output section configured to alert a user by playing a musical audible alert; and a controller configured to control the audio output section to **terminate the musical audible alert while it is being played**, wherein the audio output section terminates the musical audible alert while it is being played **by introducing and playing a replacement musical sequence.**

Claim 1 is clearly not anticipated by the teachings of Davis, nor is claim 1 suggested or rendered obvious to one skilled in the art by the reprogrammable alert pattern memory disclosed by Davis. In that claim 1

is allowable over Davis, then for at least this reason all claims that depend from claim 1 are also allowable, whether considered only in view of Davis, or considered in view of Davis and the other references cited and applied by the Examiner.

Claim 20 is drawn to a mobile telephone that comprises:

an audio output section configured to alert a user to an incoming call by playing a musical audible alert;  
a user input configured to cause an incoming call to be answered; and  
a controller responsive to the user input, **configured to control the audio output section to terminate the musical audible alert while the musical audible alert is being played by introducing and playing a replacement musical sequence.**

Claim 20 is clearly not rendered unpatentable by the reprogrammable alert pattern memory disclosed by Davis, in view of the user input for answering an incoming call disclosed by Davis et al. In that claim 20 is allowable over Davis in view of Davis et al., then for at least this reason claim 21 that depends from claim 20 are also allowable, whether considered only in view of Davis and Davis et al., or considered in view of the other references cited and applied by the Examiner.

Claim 22 is drawn to a memory that embodies a data file:

comprising a replacement musical sequence to be played to terminate an electronic device musical audible alert **while the musical audible alert is being played to alert a user of the electronic device of an incoming call.**

Claim 22 is clearly not anticipated by the teachings of Davis, nor is claim 22 suggested or rendered obvious to one skilled in the art by the reprogrammable alert pattern memory disclosed by Davis. In that claim 22 is allowable over Davis, then for at least this reason all claims that depend from claim 22 are also allowable, whether considered only in view of Davis, or considered in view of Davis and the other references cited and applied by the Examiner.

Claim 26 is drawn to a memory:

embodying a musical data file, for producing a musical audible alert in an electronic device, the musical data file comprising **a plurality of conditional branching markers each of which is associated with a replacement musical sequence to be played to terminate the musical audible alert while it is being played.**

Claim 26 is clearly not rendered unpatentable by the reprogrammable alert pattern memory disclosed by Davis in view of Mizuno et al. Further in this regard, the words "conditional", "branching", "markers" are not found in Mizuno et al. All that paragraph [0058], cited by the Examiner, states is the following:

Further, in the above-mentioned embodiments, a portable telephone-specific timbre bank is provided for each model or each tone generator chip. Therefore, if timbres in a program change number are made common to each model or each tone generator chip as shown in FIGS. 3(b) to 3(d), the music data used by the model can be obtained merely by changing the bank (by rewriting the bank select LSB). Further, since there is provided the set of basic timbres (bank 0) that is not based on any specific model, even if some pieces of data are missing from the bank for each model, the basic timbre set can be used to sound substitute tones.

Clearly the subject matter of claim 26 is allowable over Davis in view of Mizuno et al.

Claim 28 is drawn to a system that comprises:

a memory storing a plurality of data files **each of which comprises a replacement musical sequence for terminating an electronic device musical audible alert while the musical audible alert is being played at the electronic device;** and  
a server readably coupled to the memory and configured to respond to a request to download, to the electronic device via a communication network, a data file from the memory.

Claim 28 is clearly not rendered unpatentable by the reprogrammable alert pattern memory disclosed by Davis in view of the music downloadable music database and server disclosed by Mizuno et al. in paragraph [0040].

Claim 29 is drawn to a system that comprises:

a memory storing a plurality of musical data files for playing a musical alert, **each of the**

**stored musical data files comprising a plurality of conditional branching markers wherein each of the conditional branching markers is associated with a replacement musical sequence for a mobile telephone musical audible alert, where a particular replacement musical sequence associated with a particular one of the conditional branching markers is initiated and played to terminate playing of the associated musical audible alert while the associated musical audible alert is being played at the mobile telephone; and**  
a server, for downloading a musical data file from the memory to the mobile telephone, responsive to a request.

Claim 29 is clearly not rendered unpatentable by the reprogrammable alert pattern memory disclosed by Davis in view of Mizuno et al. As was noted above, the words "conditional", "branching", "markers" are not found in Mizuno et al., and paragraph [0058] does not disclose the subject matter found in claim 29. Clearly the subject matter of claim 29 is allowable over Davis in view of Mizuno et al.

Claim 30 is drawn to a method that includes:

**while playing an original musical audible alert, replacing the original musical audible alert with a replacement musical sequence, thereby terminating the playing of the original musical audible alert; and**  
**playing the replacement musical sequence.**

Claim 30 is clearly not anticipated by the teachings of Davis, nor is claim 30 suggested or rendered obvious to one skilled in the art by the reprogrammable alert pattern memory disclosed by Davis. Clearly, the subject matter of claim 30 is allowable over Davis.

Claim 31 is drawn to a method that comprises:

detecting that a mobile telephone has an incoming call;  
starting the playing of a musical audible alert;  
detecting a user input generated for answering the call; and  
**in response to detecting, terminating the playing of the musical audible alert by**  
**introducing and playing a replacement musical sequence.**

Claim 31 is clearly not rendered unpatentable by the reprogrammable alert pattern memory disclosed by Davis, in view of the user input for answering an incoming call disclosed by Davis et al. Further in this

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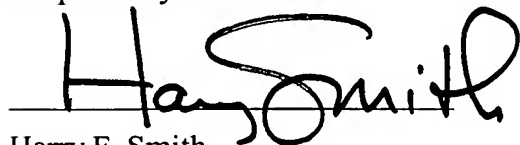
regard, the Applicants disagree with the Examiner's statement that Davis teaches "terminating the audible alert by introducing a replacement musical sequence (Col. 4: 6-15, the old audible alert pattern is silenced by reprogramming the memory with new alert pattern)." Col. 4, lines 6-15 state only the following:

When a change command signal (e.g. a replace alert pattern signal) is received, microcomputer 36 responds by storing the new data in temporary memory 48 and then transferring the data to the appropriate non-volatile memory. Memory programming logic device 52, under the control of microcomputer 36, is used for accessing memories 40, 42, 46, and 50 for the purpose of reprogramming them with data stored in temporary memory 48 after verifying that the stored data is complete.

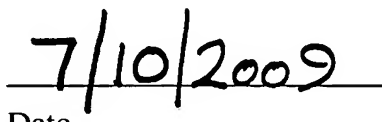
All that is disclosed is the reprogramming of a non-volatile memory with newly received data representing an alert pattern signal. The subject matter found in claim 31, e.g., "terminating the playing of the musical audible alert by introducing and playing a replacement musical sequence" is certainly not disclosed or suggested by Davis.

The Examiner is respectfully requested to reconsider and remove the rejections of the claims under 35 U.S.C. 102(b) and 35 USC 103(a), and to allow all of the pending claims as now presented for examination. An early notification of the allowability of all of the pending claims is earnestly solicited.

Respectfully submitted:



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### CERTIFICATE OF MAILING

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7/10/2009  
Date

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Name of Person Making Deposit